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THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
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| EXAMINER |
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PEREZ, ANGELICA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN P. GODWIN

Appeal 2009-008121
Application 10/797,438
Technology Center 2600

Before ROBERT E. NAPPI, CARLA M. KRIVAK, and THOMAS S.
HAHN, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection of claims 39 through 58.

We reverse.

INVENTION

The invention is directed to a media distribution system where terrestrial repeaters filter and repeat only regional media for the local broadcast media. *See* Specification 2 and 3. Claim 39 is representative of the invention and reproduced below:

39. A terrestrial repeater, comprising:
- a repeater receiver, disposed in one of a plurality of local broadcast regions within a national broadcast region, the repeater receiver for receiving a signal transmitted by a satellite including national media programs intended for reception in the national broadcast region and regional media programs;
 - a processor for filtering the signal to pass only the regional media programs intended for reception in the one of the plurality of local broadcast regions;
 - a repeater transmitter, communicatively coupled to the repeater receiver, for transmitting the passed regional media programs intended for reception in the one of the plurality of local broadcast regions.

REFERENCES

| | | |
|---------|-----------------|---------------|
| Eyer | US 6,160,545 | Dec. 12, 2000 |
| Marko | US 6,347,216 B1 | Feb. 12, 2002 |
| Alewine | US 6,564,143 B1 | May 13, 2003 |
| Denning | US 7,143,289 B2 | Nov. 28, 2006 |

REJECTIONS AT ISSUE

The Examiner has rejected claims 39 through 54, 57, and 58 under 35 U.S.C. § 103(a) as being unpatentable over Eyer in view of Marko. Answer 3-7.²

The Examiner has rejected claims 55 and 56 under 35 U.S.C. § 103(a) as being unpatentable over Eyer in view of Marko and Alewine. Answer 7-8.

ISSUE

Appellant's contentions, on pages 8 and 9 of the Brief,³ present us with the issue: did the Examiner err in finding the combination of Eyer and Marko teach a repeater transmitting only the regional media programs intended for reception in the local broadcast region as claimed?⁴

ANALYSIS

Appellant's arguments have persuaded us of error in the Examiner's rejection of independent claims 39, 45, 47, and 52. Each of these claims recites a repeater which transmits only the regional media programs intended for reception in the local broadcast region. The Examiner, citing column 4, lines 13-32, finds that Marko teaches this feature. Answer 8-9. Appellant

² Throughout this opinion we refer to the Examiner's Answer dated December 19, 2008.

³ Throughout this opinion we refer to the Brief dated October 14, 2008, and Reply Brief dated February 19, 2009.

⁴ We note Appellant's arguments present additional issues; however, we do not reach these issues as this issue is dispositive of the appeal for these claims.

argues Marko does not teach the repeater filtering out and transmitting the regional media for the local region as claimed. Reply Brief 5. We concur with Appellant. Marko teaches, based upon location data from the repeater, the receiver (not the repeater as claimed) determines which local data to provide to the user. Marko col. 3, ll. 25-30, 51-58. Thus, Appellant has persuaded us of error in the Examiner's finding that the combination of Eyer and Marko teaches a repeater transmitting only the regional media programs intended for reception in the local broadcast region as claimed in independent claims 39, 45, 47, and 52. Accordingly, we will not sustain the Examiner's rejections of claims 39 through 58 under 35 U.S.C. § 103(a).

ORDER

The decision of the Examiner to reject claims 39 through 58 under is reversed.

Appeal 2009-008121
Application 10/797,438

REVERSED

ELD

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